

## The Iowa Dog Law of 1862

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adopted seems almost unaccountable. The facts were—as we are informed by an eminent, we might well say illustrious, member of the Convention—that it was “the product of a Republican body,” and hence largely opposed by the Democrats, as the vote by counties fully indicates. It “anchored” the State Capital at Des Moines, and hence aroused the opposition of ambitious rivals for that high distinction. It also made a radical change in the law of evidence—Sec. 4, Art. I—and this was distasteful to many voters.

The seal is a good copy—though its small size detracts somewhat from its clearness—of the first seal of the State, concerning which there has been some controversy. The originals from which these copies were made are in the office of the Secretary of State, through whose courtesy we are able to present them here.

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### THE IOWA DOG LAW OF 1862.

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The writer hereof had the honor of serving as Chief Clerk of the House of Representatives during the regular session of the General Assembly in the winter of 1862, as well as at the extra session of the same body in the following September. Very soon after the regular session opened petitions began to come in, seemingly from all parts of the State, praying for the enactment of a law “providing for the registry of dogs, and defining the duties of township officers in certain cases.” It was undoubtedly true, as was afterward charged, that some one or more individuals interested in raising sheep had started this movement and given it very systematic direction. That there was good management behind the effort can not be doubted. A full head of steam was kept up from start to finish. So many petitions came in and kept coming, that it seemed that a large majority of the people were determined that Iowa should have not only a “well-regulated,” but most stringent “dog law.” This apparent unanimity of sentiment resulted in the passage of the bill, which was introduced by Mr. White of

Scott county on the 4th day of February. During the discussion of the measure there was no end of merriment, and all sorts of humorous and whimsical amendments were offered, but for the most part not recognized by the chair. So that a hearty laugh was evoked, the mover was fully satisfied. The acknowledged wag of the House was the Hon. Thomas Hardie, of Dubuque, who saw many opportunities for the display of his incisive wit upon this measure, both at the regular and extra sessions. He improved his opportunities to the best of his well known and acknowledged ability in that direction. There were many Members and Senators who would not have voted for the bill but for the fact that it seemed to be so unanimously demanded by their constituents. Various efforts were made to secure a modification of what were regarded as too severe provisions—substitutes were offered for it—but all to no effect. A vote was reached in the House on the 7th day of March. This resulted in its passage, though it received only 51 ayes—just the least number by which it could be passed under our constitution. But it is probable that more votes could have been secured had they been necessary. There were ten “not voting,” most of whom were doubtless near at hand at the time of the roll-call.

The bill was duly approved by Governor Kirkwood, and went into effect upon its publication in the *Des Moines Register*, *Des Moines Times* and *Iowa Homestead and Farmer*. It contained twelve sections besides the publication clause, and was at once most specific and severe in its provisions and penalties. It compelled owners of dogs to register them each year at the office of the clerk of the township, the fee being from \$1 to \$3. There were heavy penalties for false registries of dogs, and for killing dogs lawfully registered. Marshals, police officers and constables were enjoined to kill any dog at large without his collar, as provided by law.

While the measure was pending before the Legislature it seemed to be wanted by almost everybody. As is said of certain quack medicines, one might almost believe that “children cried for it!” But it is very doubtful whether a more unpop-

ular enactment was ever placed upon the statute books of our State. The nature of the measure can best be shown by copying one of its sections :

"SECTION I. *Be it enacted, etc.*, That every owner or keeper of a dog shall on or before the 15th day of May, 1862, and each year thereafter, cause it to be registered, numbered and described, in the office of the Clerk of the Township where said owner or keeper resides, and shall pay to said clerk for said registry, the sum of one dollar for every male dog, and three dollars for every female dog, and shall receive from said clerk a certificate of registry, number and description of said dog, which certificate shall be *prima facie* evidence of the proper registry of said dog in any township of the State. The Township Clerk shall receive for every certificate so issued twenty cents, from the funds accruing under this section."

Many of the newspapers treated it with contemptuous derision, as did thousands of the people. While no data is accessible to the writer, it is pretty safe to say that it was in most places "a dead letter." Members and Senators who voted for it innocently enough, because of the apparent popular demand for such an enactment, were simply horrified at the storm of indignation which greeted them as soon as its provisions became known in their counties. Here and there communities seemed to favor the law and endorsed the action of their representatives in voting for the bill and against its repeal. This, however, was not the general sentiment in regard to it.

But on the 3d day of September the Legislature was convened by Gov. Kirkwood in extra session—for the purpose of providing ways and means to aid the Government in suppressing the Rebellion. "Father Abraham" had called for "300,000 more." It was often and widely claimed and published that this extra session was held for the sole purpose of repealing the dog law! This assertion was purely a fiction. But it is nevertheless true, that no sooner was the House organized than a dozen members sprang to their feet for the purpose of introducing either bills or resolutions for the repeal of the obnoxious statute. Mr. Van Anda, of Delaware, was recognized by the Speaker, his resolution merely requesting the Committee on Agriculture to report a bill repealing the dog law. Various efforts were made by Messrs. Bowdoin, Ferguson and others to amend, but the resolution, after some de-

bate—and evidently with the determination that no man should be allowed to steal a march on any other as a champion repealer—was laid upon the table. On the next day, Mr. Knoll, of Dubuque county, quietly introduced House File No. 2, a bill to repeal the law. There was more dignity and less hurry and rush in the Senate; still, Mr. Neal introduced a bill (S. F. No. 1) to the same purport. It was read a first and second time and referred to the Committee on Agriculture, "with instructions to report at an early day."

It really looked ridiculous and absurd to see the Legislature, called together in one of the gravest public emergencies that ever arose in the State or Nation, wholly unwilling to enter upon the great business of that extraordinary session, until steps had been taken for the repeal of a law for the registry and taxation of dogs! But if there was any particular question more than another upon which a majority of the Members and Senators united, it was upon the abrogation of what had proved to be a most irritating, vexatious and obnoxious statute. The measure for repeal was several times under discussion, but was quickly passed and approved by the Governor. One of the provisions only of the original act was retained, viz.: that making owners responsible for damages done by their dogs. While the law existed it created a world of acrimonious discussion. Votes in its favor no doubt sealed the fate of quite a number of budding statesmen who had cherished aspirations for higher places of honor or profit. Some of them paid very dearly for what they attempted to do for the people in thus meddling with their canine friends. The old saying, "Love me, love my dog," seemed just as pertinent as ever.

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### A LITERARY QUESTION SETTLED.

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For more than a quarter of a century the question of the authorship of that beautiful and oft-quoted poem, "There is no Death," has been in dispute. The writer attempted, fully twenty years ago, to induce his friend, the author, Mr. J. L.

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